

MINUTES
VIRGINIA OUTDOORS FOUNDATION
REGULAR MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY BUILDING
2nd FLOOR BOARD ROOM
APRIL 7, 2005 10:00 AM

The regular quarterly meeting of the Virginia Outdoors Foundation Board of Trustees was held on Thursday, April 7, 2005, at 10:00 a.m., at the Virginia Department of Forestry building in Charlottesville, in the 2nd Floor Board Room. Trustees present were the Chairman, Mr. Frank Kilgore, presiding; Dr. M. Rupert Cutler; Mr. Frank M. Hartz; Ms. Kat Imhoff; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffery K. Walker.

VOF staff attending: Mr. G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance and HR Manager; Mr. Jeff Matthews, Technology Manager; Ms. Jennifer Perkins, Easement Specialist; Ms. Ruth Babylon, Easement Specialist; Ms. Sherry Buttrick, Easement Specialist; Mr. Bill Wasserman, Easement Specialist; Ms. Leslie Trew, Easement Specialist; Ms. Faye Cooper, Easement Specialist; and Ms. Estie Thomas, Easement Specialist. Also in attendance were Mr. Frederick S. Fisher, Senior Assistant to the Attorney General; Mr. Joseph H. Maroon, Director of the Department of Conservation and Recreation; Mr. Carl Garrison, State Forester; Mr. Rex Linville, Piedmont Environmental Counsel; Ms. Nikki Rovner, The Nature Conservancy; Mr. Brock Hertzberg, Virginia Farm Bureau; Ms. Carrie Hagin, James River Association; Mr. Hugh T. Antrim, attorney for Rev. M. O. Young; and Harold E. Young, Jr., M.D.

Mr. Kilgore, Chairman, convened the meeting at 10:00 a.m. He asked if there were any amendments to the order of business. Mr. Seilheimer moved that the agenda be amended to defer the discussion on Easement Guidelines to the June agenda, Ms. Imhoff seconded, and the motion was passed unanimously. Mr. Lee recommended that the June Board meeting be extended to a two day meeting, reconsideration of the Clayton easement on House Mountain and a resolution requesting a position from the Secretary of Natural Resources on the recommendations made by the Joint Committee on Taxation of the U.S. Congress be added to the agenda. He also requested the Board go into closed session as provided by Virginia Code § 2.2-3711.A.1., 3., and 7. to discuss personnel matters relating to the availability of legal counsel, a possible acquisition of property, and to engage in consultation with counsel regarding possible litigation. Mr. Lee also said that items numbered 9 and 10 were misspelled on the agenda and should be moved from consent A to consent B due to language amendments and that the Young easement (#25) would be taken up at 11:00 a.m. to accommodate the Young's attorney who will be in attendance at that time. Ms. Cooper said that easement #28, Rock Builders, Inc., was no longer a co-hold and should be moved to the non-consent portion of the agenda. Ms. Imhoff made a motion to amend the agenda as noted above, Mr. Seilheimer seconded, and the motion was passed unanimously.

Mr. Kilgore then introduced Mr. Carl Garrison, State Forester, and yielded the floor to him for a brief description of his background and the new direction for the Virginia Department of Forestry. Mr. Garrison handed out copies of *DOF 2014, Shaping Virginia's Forests, Strategic Initiatives for*

Tomorrow's Environment and discussed DOF's strategic initiatives, funding requirements, and the proposed state-wide forestry policy.

Mr. Kilgore then introduced Mr. Joe Maroon, the Director of the Department of Recreation and Conservation and asked him to tell the Board a little bit about himself, DCR's programs and projects, and what he sees for the future. Mr. Maroon gave a little personal background and spoke to the diverse responsibilities of DCR. He talked about the newly signed Memorandum of Understanding between DCR and the Virginia Outdoors Foundation. He announced that DCR had just closed the grant round for the Virginia Land Conservation Fund and that they had received 24 applications for over \$6 million in requests for \$3 million available funds. The Board will meet on June 7th to make the final determinations. They will then begin a new round of grant proposals for a total of \$10 million. The Department will soon begin recruiting a Land Conservation Specialist, a position that has been vacant because of the budget restraints of the past few years. He also announced that he would be meeting with other conservation agency heads, including Carl Garrison and Bob Lee, to see how they can work better together.

Dr. Cutler questioned the 6th paragraph of the January 18th minutes and, after a brief discussion it was decided to amend the language "made a motion" to "recommended". Dr. Cutler made a motion to accept the amendment, Ms. Imhoff seconded, and the motion passed unanimously. Mr. Walker then moved that the January 18th, 2005, minutes be accepted as amended, Mr. Hartz seconded, and the motion passed unanimously as amended.

Mr. Kilgore moved to the Consent agenda. Consent A items numbers 1 through 8 and 11 were considered as a block. Mr. Hartz asked if the Foundation had title reports on numbers 3, 5, and 11. Staff responded that all title reports were in hand. Ms. Imhoff moved to approve the easements as presented, Mr. Seilheimer seconded, and motion passed unanimously.

Consent B agenda items were considered next. Estie Thomas presented items 9 and 10 with amended language covering clay shooting, hunting, trapping, and fishing. Similar language was approved by the Board at the December meeting, and was requested for consistency. Ms. Imhoff moved for approval of items 9 and 10 with the amended language, Dr. Cutler seconded, and the easements were approved as amended.

Leslie Grayson presented the CC Properties, LLC, Cashel Farm, (#12) of 172.8 acres in Fauquier County and corrected the number of secondary dwellings to 3 in the "Further Discussion" section of the Proposal Sheet. Dr. Cutler moved to accept the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

Sherry Buttrick presented the Hayes easement (#13) of 121 acres in Green County and recommended approval. Ms. Imhoff moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Ruth Babylon presented item 14, the Leslie easement (#14) of 69 acres in Montgomery County. Ms. Imhoff had a concern with the number of structures allowed on a 69 acre property and the questionable conservation value of the easement. Dr. Cutler moved that the easement be approved as written, Mr.

Seilheimer seconded, Mr. Kilgore, Dr. Cutler, Mr. Hartz, and Mr. Seilheimer voted aye; Ms. Imhoff and Mr. Walker voted no. The motion passed.

Faye Cooper presented the Weddle easement (#15) of 141 acres in Warren County and recommended its approval. Mr. Seilheimer moved to approve the easement as written, Ms. Imhoff seconded, and the motion passed unanimously.

Ruth Babylon next presented the Jones/Shell easement (#16) of 132.96 acres in Floyd County. She corrected the secondary dwellings from “greater than” to “less than” 2,500 sq. ft. She also pointed out the underlined language in restriction number 8 of the easement limiting use of all terrain vehicles, dirt bikes, etc. Staff recommended the language be removed due to monitoring and enforcement issues. Mr. Hartz moved to approve the easement without the underlined language, Dr. Cutler seconded. Mr. Seilheimer moved to amend the easement so the secondary dwellings are associated with the larger parcel, Dr. Cutler seconded, the motion passed unanimously as amended.

It being 11:15 a.m., agenda item #25 was taken out of order to accommodate the donor’s attorney. Leslie Trew introduced Hugh T. Antrim, attorney for Rev. Young, distributed a revised PTF proposal for the easement, and presented the Young easement of 306 acres in Surry County. She explained that this easement was now classified as a co-hold easement with the Department of Historic Resources and the Soil and Water Conservation District due an application to the Preservation Trust Fund. Ms. Imhoff moved that the easement be approved, Mr. Hartz seconded, and the motion passed unanimously. Mr. Antrim inquired when the Preservation Trust Fund applications would be discussed and Ms. Imhoff suggested that the Board act on the PTF applications. Ms. Vance distributed a recap and status report on the PTF funds.

The Board decided to discuss all of the Preservation Trust Fund easements and moved to agenda item #21. Faye Cooper presented the Hepner easement of 128 acres in Shenandoah County and recommended approval. Ms. Imhoff moved that the easement be approved, Mr. Seilheimer seconded, and the motion passed unanimously.

Faye Cooper then presented the Jones easement (#22) of 68 acres in Botetourt County and explained that this easement had previously been approved by the Board in April 2004. She explained that Mr. Jones was adding 40 acres to the easement that was approved last year and adding language that would allow replacement of the primary dwelling if it should be destroyed by fire, etc. Mr. Seilheimer moved that the easement be approved as amended, Ms. Imhoff seconded, and the motion passed unanimously as amended.

Leslie Trew presented the Lewis easement (#23) of 145 acres in Accomack County and recommended approval. Mr. Seilheimer moved that the easement be approved, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the previously approved Waldon easement (#24) for reconsideration for financial assistance for a survey as there is no adequate legal description of the property. No action by the Board was necessary.

The Board then reviewed the Preservation Trust Fund proposals. Mr. Kilgore asked if there were any questions or discussion. Mr. Seilheimer stated that he did not have a problem with #22 and #24 which were for legal, appraisal, and survey cost only and moved for approval of the two proposals, up to \$3,225 for #22 and up to \$5,200 for #24. Mr. Walker seconded, and the motion passed unanimously.

As a related matter before the Board, the resolution authorizing the Executive Director to approve funding for appraisals and title work was discussed. Ms. Imhoff moved to approve the resolution, Dr. Cutler seconded, and the resolution was adopted unanimously. (Attachment #1)

Faye Cooper presented the PTF proposal for #21. After a brief discussion, Mr. Hartz moved to approve a grant for the requested legal and appraisal fees up to \$6,000 and defer the request for 80% of the value until the June meeting, Mr. Seilheimer seconded, and the motion passed unanimously as amended.

Leslie Trew presented the PTF request for a purchase grant from Rev. M. O. Young (#25). Mr. Hugh T. Antrim joined the discussion. Mr. Seilheimer moved to approve the \$250,000 grant as presented, Dr. Cutler seconded, and the request was passed unanimously.

Leslie Trew then presented the Lewis property (#23) for PTF consideration explaining that the “before” appraisal had been completed and the “after” appraisal was in process. Ms. Imhoff moved that this application be deferred to the June meeting so the paperwork would be in order, Mr. Seilheimer seconded, and the motion passed unanimously.

Mr. Kilgore then resumed the agenda where it had been suspended for consideration of #25 and PTF requests with #17.

Sherry Buttrick presented the Lockhart easement (#17) of approximately 64 acres in Albemarle County. Ms. Imhoff moved to approve the easement with only one secondary (two were requested) of 2,500 sq. ft., Mr. Walker seconded, and the motion was approved unanimously as amended.

Faye Cooper then presented the Rock Builders, Inc. easement (#28) of 224 acres in Clarke County on the Shenandoah River. There was a discussion about how much clear cutting to allow for each dwelling. Ms. Imhoff moved to approve the easement with additional language limiting clear cutting to 3 acres for each dwelling, Mr. Hartz seconded, and the motion passed unanimously as amended.

Ruth Babylon presented the Beckman easement (#18) of 44 acres in Bedford County. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper presented the Walton easement (#20) of 36 acres in Shenandoah County and recommended approval. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper then presented #26 (Allamong, 32 acres) and #27 (Brill, 65 acres) which are part of the Fisher’s Hill battlefield in Shenandoah County and recommended they both be approved. Mr. Seilheimer moved to approve both easements, Mr. Walker seconded, and the motion passed unanimously.

Bill Wasserman presented the Bradley easement (#29) of 67 acres in Scott County for reconsideration to make the easement stronger. Mr. Seilheimer moved that the easement be accepted, Mr. Hartz seconded, and the motion passed unanimously.

Faye Cooper presented the Clayton easement (added to the agenda at the beginning of the meeting) of 214 acres in Rockbridge County between Big House and Little House Mountains for reconsideration. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Leslie Trew explained that item #30 did not require Board action but, rather, advice on what would be considered a “fence” (which the easement allowed) and a “noise barrier” (which would require Board approval). After considerable discussion, the Board consensus was that the property owner could build a fence up to 6” feet high, but an effective noise barrier would require Board approval.

Frank Kilgore then said that before he recused himself from the consideration of item #31, he had some language changes to make. On page 381 (page 5 of the easement), paragraph 6. should read “provided that no surface mining or *commercial* gas drilling . . .” and “natural gas is accessible for on-site domestic use is permitted to the extent that gas wells and pipelines siting is restricted to road and power lines rights-of-way” should be added to the end of the same paragraph. On page 383 (page 7 of the easement) “all of which shall constitute a lien against the property until paid in full” should be struck and “or successors” should be added after “Should the Grantee”. He also added “or successors” after “Grantee” at the top of page 384 (page 8 of the easement). The Chairman then recused himself while the amended easement on his property was considered. He yielded the meeting to Ms. Imhoff who asked if there were any comments, Dr. Cutler moved that the easement be approved as amended, Mr. Hartz seconded, and the motion passed unanimously as amended. (Note: The changes approved result in a more restrictive easement.)

The Chairman returned and called for public comment.

Rex Linville of the Piedmont Environmental Counsel commended VOF for its increased commitment to stewardship and expressed support for the revision of the VOF easement guidelines.

Mr. Kilgore moved to the remaining Policy Resolutions. The first to be discussed was the Amended Budget Resolution. Bob Lee spoke to the revisions including the additional staff to fulfill stewardship requirements. Ms. Vance pointed out that the “Alternative Presentation” budget page was the one being presented. (The previous page was included in error.) Ms. Imhoff moved for the adoption of the amended budget, Dr. Cutler seconded, and the motion passed unanimously with that clarification. (The amended FY05 VOF Budget is represented in attachments #2A and 2B.)

Ms. Imhoff then moved that, in association with the newly approved amended budget, the resolution authorizing the Director of Stewardship position be approved, Dr. Cutler seconded, and the motion passed unanimously. (Attachment #3)

The Chairman then recessed for lunch.

Mr. Kilgore called the meeting to order and continued with the agenda. At this time Harold E. Young, Jr., M.D. asked to be heard by the Board. He felt that his amended easement did not receive the detailed presentation it deserved and he spoke to the Board to rectify that situation. He made it clear that his proposed amendment would strengthen his easement and that he had the full support of his wife and brother, producing initialed and signed pages as proof. Ms. Imhoff moved that the Board accept his amendment contingent upon seeing the final draft and co-holders permission at the June Board meeting. Mr. Walker seconded the motion and it passed unanimously. Dr. Young asked if he could work directly with the Foundation and was told that he could.

There were no further public comments. Mr. Lee, Executive Director, then presented his quarterly report to the Board. He announced that the Foundation would be honored with a Dogwood Award by the Virginia Conservation Network on April 28th, 2005, at the Richmond Omni Hotel. He reported that the Virginia Chapter of the American Society of Landscape Architects has nominated the Virginia Outdoors Foundation for the ASLA Medal of Excellence. He also told the Board that the introductory letters to counties with their first VOF easements have gone out and he will soon be scheduling visits with the county administrators, the Clerks of Circuit Court, Commissioners of the Revenue, Planning Directors, and members of the Boards of Supervisors. He briefed the Board on the Stewardship training he received in Chattanooga, Tennessee. He also announced that he has instructed staff to provide interpretations of easements to landowners only. Easements will be available to any interested party, but interpretations can only be provided for landowners holding VOF easements due to time and workload constraints.

A policy discussion on “Notice of Transfer” language led Mr. Seilheimer to move that the language found on page 383 of the Board packet be added to the Easement Template and be incorporated in all future easements, Mr. Walker seconded, and the motion passed unanimously. (Attachment #4)

Mr. Hartz asked who would be attending the Land Trust Rally in Wisconsin. Mr. Lee reported that the Foundation has funds for all of the Board and appropriate staff to attend. (Add language about the other function that may need VOF participants.)

The Board then discussed the resolution regarding Forestry Best Management Practices. The following amendments resulted from that discussion. In the third paragraph, “and a relatively low compliance rate” was replaced with “particularly”; the fourth paragraph was struck completely; and in the fifth paragraph, “forestry” was added before “BMPs”, “efforts” was changed to “proposals associated with forestry operations”. In the “RESOLVED FURTHER” paragraph, the State Forestry Board, the Director of the Department of Conservation and Recreation, the Director of the Department of Environmental Quality, and the Director of the Department of Agriculture and Consumer Services were added to the list of officials receiving a copy of the resolution. Mr. Hartz moved to approve the resolution as amended, Dr. Cutler seconded, and the motion was approved unanimously as amended. (Attachment #5)

Next, the resolution requesting a position on the federal tax regulations pertaining to conservation easements was addressed. After discussion, Dr. Cutler moved to approve the resolution, Mr. Walker seconded, and the motion passed unanimously. (Attachment #6)

Mr. Kilgore then asked where the Board wanted to hold the next meeting. Mr. Seilheimer suggested that keeping the meeting in Charlottesville was the best for the most members. It was the consensus of the Board that it be so on June 30th and July 1st, 2005.

Mr. Garrison returned to the Board Room and distributed copies of *Virginia's Forestry Best Management Practices for Water Quality (Fourth Edition)*, VDOF BMP Effort, Implementation, and Effectiveness Field Audit, and BMP Effort Trend Analysis: June 2004. While those were being passed out, Bob Lee announced that Tamara Vance and Ruth Babylon had recently been published in *Horizon*, a Virginia Tech newsletter, and circulated copies to the Board.

Then, in accordance with Virginia Code § 2.2-3711.A. 1., 3., and 7., Mr. Kilgore asked for a motion to go into closed session to discuss employment issues, possible acquisition of property, and consultation with legal counsel. Mr. Hartz so moved, Mr. Seilheimer seconded, and the motion passed unanimously.

The meeting was reconvened, Ms. Imhoff made a motion certifying that only lawfully exempted matters were covered in the closed session, Dr. Cutler seconded, and the motion passed unanimously.

Mr. Kilgore asked if there was any more business to be brought before the Board. There being none, Mr. Walker moved that the meeting be adjourned, Ms. Imhoff seconded, and the motion passed unanimously. Mr. Kilgore adjourned the meeting at 4:15 p.m.

Respectfully submitted,

Patricia A. Cleary

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE FUNDING FOR APPRAISALS and TITLE WORK FOR PROJECTS PROPOSED FOR FUNDING UNDER THE OPEN SPACE LANDS PRESERVATION TRUST FUND

WHEREAS, for the current and next fiscal years, VOF has been allocated over six million dollars for the Open Space Lands Preservation Trust Fund (PTF); and

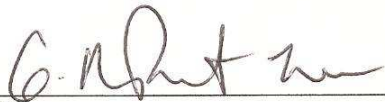
WHEREAS, the staff has identified over 20 possible PTF purchase easement projects and the list is growing; and

WHEREAS, VOF is authorized by statute Sec.10.1-1801.1D to use the grant money for appraisals; and

WHEREAS, in order to bring a complete application before the Trustees, an appraisal of the value of the easement and title work are necessary; now therefore be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees, this seventh day of April, 2005, that the Executive Director is hereby authorized to approve expenditures from the Open Space Lands Preservation Trust Fund for the appraisal of potential properties for purchase or partial purchase of easement using PTF funds, and approve funding for required title work prior to Board project approval.

ADOPTED by a vote of 6 FOR and 0 AGAINST on April 7, 2005.



ATTEST:

G. Robert Lee, Executive Director

RESOLUTION

A RESOLUTION TO AMEND THE VIRGINIA OUTDOORS FOUNDATION FISCAL
YEAR 2005 BUDGET

WHEREAS, the Executive Director of the Virginia Outdoors Foundation (VOF) annually prepares a proposed fiscal year budget; and

WHEREAS, the VOF Board of Trustees annually adopts a fiscal year budget for planning and program operating purposes; and

WHEREAS, the revenue resources available to VOF for capital and operations purposes for Fiscal Year 2005 have been determined to significantly exceed the revenue estimates for the adopted Budget for Fiscal Year 2005; and

WHEREAS, the VOF Executive Director in consultation with the VOF Board of Trustees and staff, has prepared proposed amendments to the Fiscal Year 2005 Budget to address crucial program and capital needs based on updated estimates of revenue resources; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this seventh day of April 2005, That the VOF Budget for Fiscal Year 2005 be and is hereby, amended as follows:

ADOPTED by a vote of 6 FOR and 0 AGAINST on April 7, 2005.



ATTEST:

G. Robert Lee, Executive Director

Easement Program Operating Budget

Approved FY2005 Budget-UPDATE APRIL 2005

	Approved Budget FY2005	Actuals July- Dec04	Proposed Adjustments	
Revenues:				
Contributions & Grants	\$80,000.00	\$87,810.00	\$90,000.00	1
Interest Income (OSLPTF)	\$13,000.00	\$3,778.00	\$13,000.00	
Proceeds from Recordation fee	\$780,000.00	\$482,092.00	\$960,000.00	1
State Appropriation	\$500,000.00	\$975,000.00	\$1,300,000.00	2
Transfer from Capital Budget	\$9,086.80	\$8,203.00	\$13,283.12	1
Miscellaneous Income		\$1,212.00	\$562.00	3
Total Revenues	\$1,382,086.80	\$1,558,095.00	\$2,376,845.12	
Expenses:				
Salaries,Benefits, Taxes	\$911,057.00	\$383,000.00	\$999,702.31	4
Travel	\$40,000.00	\$14,771.00	\$42,000.00	5
Training	\$9,500.00	\$8,023.00	\$10,000.00	6
Rent	\$26,580.00	\$10,090.00	\$27,700.00	5
Insurance	\$4,400.00	\$2,274.00	\$3,500.00	7
Prof. Services	\$10,000.00	\$2,722.00	\$25,000.00	8
Information Technology	\$37,600.00	\$11,100.00	\$46,000.00	9
Publications	\$20,000.00	\$781.00	\$22,500.00	10
Mem. & Subscrip.	\$2,500.00	\$1,695.00	\$2,500.00	
Administrative/Office Expenses	\$31,000.00	\$19,205.00	\$40,000.00	5
Postage & Delivery	\$7,200.00	\$4,618.00	\$9,000.00	5
Telephone	\$26,700.00	\$12,319.00	\$28,000.00	5
Utilities	\$3,000.00	\$2,926.00	\$6,200.00	5
Repairs/Maintenance (Veh. & Comp.)	\$2,500.00	\$769.00	\$6,500.00	11
Easement Specific Costs	\$6,000.00	\$3,520.00	\$7,500.00	5
Easement Signs			\$7,500.00	12
Property Maintenance	\$170.00		\$4,000.00	13
Reserve for Contingency			\$880,333.23	14
Total Expenses	\$1,138,207.00	\$477,813.00	\$2,167,935.54	
Transfer to Capital Budget	\$22,000.00		\$181,350.00	15
Transfer to Aldie Mill Budget	\$0.00		\$27,559.58	
Transfer to LGIP Fund	\$243,879.80	\$1,080,282.00	\$0.00	
	\$0.00	\$0.00	\$0.00	

- 1- Adjusted based on actuals.
2- \$500,000 plus the additional \$800,000.
3- Refund of tax paid on 1990 Jeep in 1990 when registered as state-owned vehicle.
4- see salary pages for details.
5- Adjusted based on proposed personnel changes.
6- Includes additional \$2000 for computer training.
7- Eliminated private insurance on all VOF owned vehicles, leaving only workers compensation policy.
8- Added \$10,000 for Compensation Study and \$5000 for computer/networking consulting (F1).
9- Website updates and esmt database applications are in progress as budgeted, but there are Additional software needs due to increased computer purchases and an improvement in VOF's email exchange.
10- Additional \$2500 for Clinch River Watershed publication/easement education request by F.Kilgore.
11- Additional \$4000 related to proposed vehicles purchases.
12- Enough for roughly 215 signs at estimated \$35/each.
13- Painting and other maintenance issues related to Warrenton office.
14- Add to LGIP Reserve; carryforward to fully fund proposed staff additions in FY06.
15- See capital budget for proposed increases in computer/equipment and vehicle purchases.

RESOLUTION

A RESOLUTION TO AUTHORIZE A DIRECTOR OF STEWARDSHIP POSITION
FOR THE VIRGINIA OUTDOORS FOUNDATION

WHEREAS, the Virginia Outdoors Foundation (VOF), a public body of the Commonwealth of Virginia, holds conservation easements as a public trust for posterity; and

WHEREAS, VOF holds more conservation easements than any other land trust in the United States; and

WHEREAS, continuing easement stewardship is a recognized and vital component of the public trust responsibility associated with the holding of conservation easements; and

WHEREAS, more than fifty percent of the easements held in trust by VOF have not been visited for stewardship purposes in more than three years; and

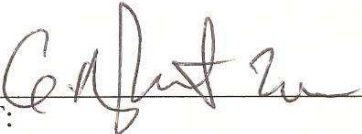
WHEREAS, the stewardship component of the VOF program does not meet the recommendations of the Standards and Practices adopted by the Land Trust Alliance; and

WHEREAS, in addition to conservation easements, VOF also owns more than 3,500 acres of donated natural resource and cultural heritage properties that require management plans and continuing stewardship; and

WHEREAS, resources are currently available to expand and enhance the stewardship component of the VOF program; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, This seventh day of April 2005, That the position of Director of Stewardship be, and is hereby, authorized.

ADOPTED by a vote of 6 FOR and 0 AGAINST on April 7, 2005.


ATTEST:
G. Robert Lee, Executive Director

NOTICE OF TRANSFER

10. GRANTORS, THEIR HEIRS, SUCCESSORS, PERSONAL REPRESENTATIVES AND ASSIGNS SHALL NOTIFY GRANTEE OR ITS SUCCESSOR IN WRITING BY CERTIFIED MAIL, RETURN RECEIPT REQUIRED, AT LEAST THIRTY (30) DAYS PRIOR TO CLOSING ON ANY PROPOSED TRANSFER OR SALE OF THE PROPERTY. NO DEED CONVEYING ANY INTEREST IN THE PROPERTY SHALL BE EFFECTIVE UNLESS THIS EASEMENT IS REFERENCED THEREIN BY DEED BOOK AND PAGE NUMBERS. THIS NOTICE OF TRANSFER CLAUSE, IN ITS ENTIRETY, SHALL BE CARRIED FORWARD IN ALL SUBSEQUENT CONVEYANCES.

Although this easement in gross will benefit the public as described above, nothing herein shall be construed to convey to the public a right of access to or use of the Property. Grantors, their heirs, successors, personal representatives and assigns hereby retain exclusive rights to such access and use, subject to the terms hereof.

SANCTIONS & PENALTIES: Any successors-in-interest or their assigns and agents that violate or that attempt to violate the protective terms of this conservation easement shall be subject to injunctive action, treble actual damages and the maximum punitive damages provided by applicable statute, plus attorney fees and costs for the enforcement of same, all of which shall constitute a lien against the property until paid in full. Should the Grantee be unwilling or unable to enforce this provision in a manner timely enough to protect the conservation purposes herein then the governing bodies of the counties, city or town in which all or part of the property lies shall have con-current

RESOLUTION

FORESTRY BEST MANAGEMENT PRACTICES

WHEREAS, the Virginia Outdoors Foundation and the Virginia Department of Forestry have for many years collaborated with the logging industry in Virginia to establish Best Management Practices (BMPs) in the Commonwealth; and

WHEREAS, forestry BMPs are designed to implement basic erosion controls, water quality standards, and sustained forestry yields; and

WHEREAS, forestry BMPs have been implemented on a voluntary basis by the Virginia logging industry with a wide range of results, particularly in the mountainous and erosion-prone sections of western and southwestern Virginia; and **BE IT HEREBY**

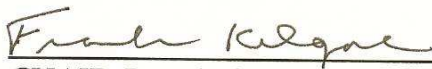
RESOLVED by the Virginia Outdoors Foundation Board of Trustees, that it supports any efforts to require forestry BMPs statewide and to further support all reasonable proposals associated with forestry operations to enhance water quality throughout the Commonwealth of Virginia and encourage and recognize the many timber industry operations that are responsible stewards of the land. **IT IS**

RESOLVED FURTHER, that a copy of this resolution shall be forwarded to Governor Mark Warner; the Secretary of Agriculture and Forestry; the Secretary of Natural Resources; the State Forester and State Forestry Board; members of the Virginia General Assembly; Lieutenant Governor Tim Kaine; Jerry Kilgore, immediate past Attorney General; and the directors of DCR, DEQ and VDACS.

ADOPTED by unanimous vote on April 7, 2005



ATTEST:
G. Robert Lee, Executive Director



CHAIR, Board of Trustees
Virginia Outdoors Foundation

**A RESOLUTION TO REQUEST A VIRGINIA POSITION ON FEDERAL TAX
REGULATIONS PERTAINING TO CONSERVATION EASEMENTS**

WHEREAS, the Virginia Outdoors Foundation (hereinafter referred to as the Foundation) was created by the Virginia General Assembly in 1966 for the purpose of protecting the Commonwealth's cultural and natural resource heritage primarily through voluntary conservation easements; and

WHEREAS, today the Foundation holds in stewardship for future generations more conservation easements than any other land trust in the nation; and

WHEREAS, the Commonwealth of Virginia is committed to the private-public land conservation partnership represented by conservation easements and has adopted the most generous state tax credit program in the nation to continue this easement program that is vital to protecting Virginia's revered cultural and natural resources at a time when population growth and development threaten those resources that make Virginia a very special place; and

WHEREAS, Virginia's economic base is grounded in its natural and cultural resources with the State's three leading economic generators being resource based industries: agriculture, forestry and tourism; and

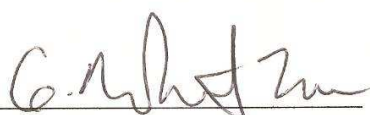
WHEREAS, Virginia ranks in the top ten U.S. tourist destination states, largely due to its historic, cultural, and natural resources; and

WHEREAS, paralleling the history of Virginia's people and its legacy of land are two deeply rooted traditions: private land stewardship and a reverence for private property rights. The land trust movement in Virginia, as elsewhere across the nation, is based on these two traditions; and

WHEREAS, several of the principle recommendations pertaining to conservation easements that were contained in the OPTIONS TO IMPROVE TAX COMPLIANCE AND REFORM TAX EXPENDITURES prepared by the staff of the Joint Committee on Taxation of the U.S. Congress (JCS-02-05, pages 277-287, 27 January 2005) if adopted by Congress and signed by the President of the United States would virtually decimate the effective and cost efficient conservation easements program in the Commonwealth of Virginia; now, therefore, be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees, this seventh day of April 2005, That the Virginia Secretary of Natural Resources be, and is hereby, respectfully requested to recommend to the Governor of Virginia that the State of Virginia oppose any federal legislation that would impair the proven and demonstrated effectiveness of conservation easements in the Commonwealth of Virginia.

ADOPTED by a vote of 6 FOR and 0 AGAINST on April 7, 2005.



ATTEST:

G. Robert Lee, Executive Director